

FILED IN OPEN COURT
FEB - 5 2004

Luther D. Thomas, Clerk

By: *Sam M. Johnson*

Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: TRI-STATE
CREMATORY LITIGATION

MDL DOCKET NO. 1467

PLAINTIFFS' FIRST AMENDMENT/SUPPLEMENT
TO PRETRIAL ORDER

Come Now Plaintiffs, by and through Class Counsel, and herewith respectfully file the within and foregoing amendments and/or supplements (shown in **bold** herein) to the Consolidated Pretrial Order filed in this Court on January 28, 2004, as follows, by paragraph as numbered in the Pretrial Order:

8.

State whether the parties request that the trial to a jury be bifurcated, i.e. that the same jury consider separately issues such as liability and damages. State briefly the reasons why trial should or should not be bifurcated.

Bifurcated by previous Order of the Court, March 17, 2003. The Funeral Home Defendants, collectively and individually, along with the Marsh Defendants request that the Phase I of the Trial be bifurcated to separate the

evidence between pre-1997 and post-1996 because of the change in operators of Tri-State Crematory.

The Marsh Defendants respectfully move this court to bifurcate the liability portion of the trial. Specifically these Defendants request that the liability issues be tried first as to the claims which predate 1997 during the time that the Tri-State Crematory was operated by Ray Marsh who is now deceased. Upon completion of that trial, the same or separate jury would turn to the issues of liability as to those deceased bodies sent to the Tri-State Crematory after 1996. The demarcation of the pre-1997 and post-1996 is logical and would greatly facilitate the trial of the case. Ray Marsh operated the crematory prior to 1997 and the evidence is undisputed that no uncremated bodies were found at the Tri-State Crematory which were sent prior to 1997 which coincides with Ray Marsh's operation.

Plaintiffs object to the bifurcation request of defendants and note that the same request has already been considered and denied by this court previously. Plaintiffs dispute the factual assertions raised therein that a bright line may be drawn between the referenced dates and instead expect to show that various members of the Marsh family participated in the business

during the class period. Plaintiffs request that the matter not be heard at the Conference, as the Court has already denied such request.

11.

State any objections to plaintiffs' voir dire questions:

Defendants reserve all objections to Plaintiffs' voir dire questions until a reasonable period of time after the receipt of such proposed questions by Plaintiffs, and will amend by attaching the objections behind Attachment B-1.

State any objections to defendant's voir dire questions:

Plaintiffs herewith attach to the end of Attachment "B-2" their objections to Funeral Home Defendants' proposed voir dire, in form as follows:

Plaintiffs' Objections to Funeral Home Defendants' Voir Dire

Number 35: Has any member of this panel, prior to hearing the evidence in this case, decided that the funeral homes are responsible in any way for what is alleged to have occurred at Tri State Crematory?

Objection: Argumentative, Confusing and Inappropriate.

Number 80: Has any member of this panel ever signed what is most often called a waiver of liability form, possibly at a doctor's office, dentist's office, hospital, etc.?

Objection: Confusing, misleading, and not adjusted to the facts.

Number 82: Does any member of this panel, regardless of the evidence, believe they would hold a funeral home liable for something that occurred which was unusual and unlikely to happen?

Objection: Argumentative regarding foreseeability.

18.

Attached hereto as Attachment "F-1" for the plaintiff, Attachment "F-2" for the defendant, and Attachment "F-3", etc. for all other parties is a list of all the witnesses and their addresses for each party. The list must designate the witnesses whom the party will have present at trial and those witnesses whom the party may have present at trial. Expert (any witness who might express an opinion under Rule 702), impeachment and rebuttal witnesses whose use as a witness can be reasonably anticipated must be included. Each party shall also attach to the list a reasonable specific summary of the expected testimony of each expert witness.

All of the other parties may rely upon a representation by a designated party that a witness will be present unless notice to the contrary is given ten (10) days prior to trial to allow the other party(s) to subpoena the witness or to obtain the witness' testimony by other means. Witnesses who are not included on the witness list (including expert, impeachment and rebuttal witnesses whose use should have been reasonably anticipated) will not be permitted to testify, unless expressly authorized by court order based upon a showing that the failure to comply was justified. The parties agree that the respective witness lists may be amended up to ten days prior to the start of the trial, provided that the proposed witness has been previously disclosed in some manner.

Plaintiffs herewith submit an amended and restated Attachment "F-1" Witness List.

19.

Attached hereto as Attachment "G-1" for the plaintiff, "G-2" for the defendant, and "G3", etc. for all other parties are the typed lists of all documentary and physical evidence that will be tendered at trial. Learned treatises which are expected to be used at trial shall not be admitted as exhibits. Counsel are required, however, to identify all such treatises under a separate heading on the party's exhibit list.

Each party's exhibits shall be numbered serially, beginning with 1, and without the inclusion of any alphabetical or numerical subparts. Adequate space must be left on the left margin of each party's exhibit list for court stamping purposes. A courtesy copy of each party's list must be submitted for use by the judge.

Prior to trial, counsel shall mark the exhibits as numbered on the attached lists by affixing numbered yellow stickers to plaintiffs exhibits, numbered blue stickers to defendant's exhibits, and numbered white stickers to joint exhibits. When there are multiple plaintiffs or defendants, the surname of the particular plaintiff or defendant shall be shown above the number on the stickers for that party's exhibits.

Specific objections to another party's exhibits must be typed on a separate page and must be attached to the exhibit list of the party against whom the objections are raised. Objections as to authenticity, privilege, competency, and, to the extent possible, relevancy of the exhibits shall be included. Any listed document to which an objection is not raised shall be deemed to have been stipulated as to authenticity by the parties and shall be admitted at trial without further proof of authenticity.

Unless otherwise noted, copies rather than originals of documentary evidence may be used at trial. Documentary or physical exhibits may not be submitted by counsel after filing of the pretrial order, except upon consent of all the parties or permission of the court. Exhibits so admitted must be numbered, inspected by counsel, and marked with stickers prior to trial.

Counsel shall familiarize themselves with all exhibits (and the numbering thereof) prior to trial. Counsel will not be afforded time during trial to examine exhibits that are or should have been listed.

Plaintiffs herewith submit an amended and restated Attachment “F-1” Witness List.

20.

The following designated portions of the testimony of the persons listed below may be introduced by deposition: **Pursuant to Rule 32(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs’ designate:**

Deposition of Wayne Bush: 4:12-13; 7:16-22; 10:8-19; 20:13-16; 21:8-20; 32:18-33; 32:18-33:1; 36:14-37:10; 37:14-18; 41:10-19; 41:23-42:1; 48:2-14; 50:8-19; 54:2-12; 59:22-61:1; 63:22-64:3; 66:24-67:8; 72:7-73:2;

76:25-77:3; 78:1-8; 78:21-79:12; 81:20-82:3; 82:16-18; 82:24-83:9; 89:3-90:9;
90:18-91:13; 94:3-14; 94:21-95:9; 95:25-96:11; 106:9-15.

Deposition of James C. Eggert: 4:12-13; 6:5-11; 7:21-8:2; 20:8-
21:2; 21:10-13; 22:21-23:7; 24:11-25:4; 36:18-38:17; 38:22-39:2; 39:24-41:3;
44:9-9; 45:5-15; 47:10-11; 47:25-48:14; 48:20-49:7; 50:4-51:1; 52:3-53:11;
53:19-55:5; 56:5-57:14; 58:24-59:13; 59:25-60:4; 60:12-22; 61:2-62:6; 69:8-
71:11; 88:16-18; 89:17-90:2; 91:1-92:14; 95:19-97:23;

**Deposition of Daniel Ewton: 4:18-23; 6:19-23; 8:13-14; 11:12-
12:5; 14:15-23; 20:2-10; 20:16-22; 21:17-20; 26:15-19; 28:11-29:7; 32:3-17;
33:8-23; 34:6-14; 35:18-36:17; 36:24-37:17; 37:22-38:9; 40:2-5; 40:21-25;
44:12-19; 45:20-46:6; 46:23-47:6; 48:3-49:7; 50:24-51:19; 51:23-52:20; 53:25-
54:4; 55:16-56:2; 75:17-77:3; 77:16-79:20; 79:24-80:6; 80:25-81:12; 83:9-24;
84:17-86:3; 86:20-24; 87:3-88:7; 90:8-11; 90:19-91**

**Deposition of Robert Foster: 4:3-19; 7:18-20; 8:1-9; 8:23-9:9;
10:11-24; 11:10-19; 19:21-20:18; 21:5-25; 22:13-23:1; 29:5-7; 29:12-21; 32:10-
34:4; 36:2-8; 36:12-25; 39:1-40:12; 43:14-44:13; 45:9-20; 48:9-16; 51:1-7;
60:18-22; 63:3-16; 65:16-66:5**

**Deposition of Bruce Goddard: 4:10-13; 4:17-21; 5:6-9; 6:15-22;
6:4-11; 7:3-7; 7:16-9:6; 10:4-18; 11:9-21; 15:4-25; 16:12-17:23; 20:11-14;**

**20;19-21:3; 21;13-23:12; 24:24-26:6; 26:13-18; 27:5-23; 28:21-30:12; 35:7-25;
36:14-37:14; 42:7-14; 43:8-10; 43:23-44:8; 46:3-7; 46:12-15; 47:2-7; 49:10-18;
51:21-54:5; 56:24-58:3; 58:24-63:16; 63:20-64:6; 64:18-22; 65:1-67:6; 68:15-
69:2; 69:7-70:6; 70:12-74:7; 75:3-21; 76:21-77:11; 77:15-78:7**

Deposition of John Hargis (MDL): 4:12-14; 8:12-19; 10:11-19;
14:22-15:9; 18:8-15; 19:1-22; 22:23-23:8; 23:18-20; 26:19-27:3; 27:13-28:21;
29:13-31:19; 34:14-36:2; 48:20-50:23; 52:2-53:25; 55:7-12; 55:25-56:17;
60:23-61:24; 71:20-73:13; 88:7-22; 89:9-22; 90:24-92:8; 93:2-4;

Deposition of John Hargis (*Oden*): 14:13-20; 18:6-22; 19:6-25;
29:1-30:4; 32:9-33:24; 36:22-37:12; 38:8-18; 39:2-40:2; 41:7-18;

Deposition of Jesse R. Jones: 3:12-14; 5:18-20; 6:12-22; 8:12-19;
12:12-13:13; 16:5-17:9; 17:16-18:6; 19:7-13; 19:21-20:21; 22:9-23:7; 24:16-
25:7; 25:21-28:3; 30:3-9; 34:20-24; 40:14-41:13; 43:12-44:23; 45:3-6; 55:21-
56:4; 70:10-14; 70:21-71:4; 73:1-74:2; 79:15-80:16; 81:24-82:21; 83:18-84:13;
88:6-87:7; 87:22-88:14; 90:5-24; 93:4-9;

**Deposition of Charles Joyce: 4:20-21; 4:24-5:8; 5:22-24; 6:8-10;
9:18-19-10:3; 26:18-27:6; 33:7-11; 33:18-25; 48:17-49:8; 50:17-23; 53:21-24;
54:10-55:4; 61:5-10; 74:22-75:9; 75:25-76:11; 80:11-81:11; 89:9-15; 104:1-12;
148:19-149:2; 149:8-12**

**Deposition of Dean Lay: 3:17-23; 6:5-11; 7:1-18; 7:24-8:2; 9:9-24;
11:9-12:8; 12:14-13:6; 13:18-19; 14:10-15:16; 17:8-18:7; 19:5-12; 21:13-24:12;
24:20-25; 31:12-32:11; 36:1-17; 38:7-39:8; 41:10-21; 42:3-7; 42:25-43:13;
52:11-53:23; 57:25-59:1; 70:1-10; 71:17-72:4; 76:2-77:8**

Deposition of Joe T. Lehman: p. 4:12-14; 10:14-19; 12:17-14:8;
14:14-19; 19:24-20:14; 20:19-21:2; 23:16-18; 36:8-37:13; 40:14-41:4; 43:8-
44:11; 52:8-11; 57:8-17; 64:10-65:3; 67:1-4; 73:3-15;

Deposition of Clara C. Marsh: 8: 10-12; 9:16-20; 10:4-25; 14:8-22;
15:2-22; 16:4—16:14; 17:13-25; 18:8-20; 21:10-22; 22:11-19; 24:19-25;
25:10-25:17; 26:5-14; 27:1-5; 27:15-18; 28:3-29:15; 30:11-14; 30:24-31:23;
33:19-33:21; 35:2-35:11; 35:24-37:10; 38:23-40:15; 42:8-43:6; 45:20-46:20;
47:19; 51:6-51:22; 53:24-54:19; 58:6-58:13; 64:13-65:2; 65:19-66:9; 67:3-
67:22; 68:1-11; 68:14-16; 70:4-8; 71:10-18; 72:20-73:5; 73:22-74:2; 77:16-
78:2; 79-10-80:17; 81:6-83:3; 84:17-20; 85:24-86:12; 93:13-17; 93:22-94:3;
95:7-95:11; 96:22-98:14; 136:8-137:16; 137:23-141:15; 141:4-15; 142:19-
143:1; 143:9-24; 146:25-148:3; 148:7-148:23; 150:8-151:2; 151:6-152:3;

**Deposition of Ray Marsh (1988): 10:11; 12:4; 12:10; 12:15-24;
13:10; 13:14-15; 14:3; 20:11-13; 22; 23; 24: 3; 35:8-13; 35:20-21; 36 13-19;**

**39:20-23; 45:13-14; 45:18; 45:20-21; 45:20-24; 46:4; 46:7-9; 23:13; 23:17-19;
24: 9; 60:1-9; 73-74; 74:4-7**

Deposition of Rhames LaShea Marsh: 8:4-11; 8:25-9:3; 9:25-10:6;
12:2-12:25; 13:1-14:16; 15:16-18; 16:15-18:8; 18:18-19:2; 22:23-23:18; 25:2-
21; 26:10-13; 30:23-31:10; 33:20-35:19; 33:17-19; 41:15-42:13; 43:20-45:5;
46:1-5; 46:22-47:8; 47:25-48:7; 51:22-52:19; 53:18-55:1; 57:13-58:1; 60:2-8;
63:7-67:11; 67:20-68:19; 69:17-22; 73:24-74:20; 75:11-77:5; 78:3-78:16;
78:23-79:22; 80:19-85:19; 89:15-20; 94:12-19; 100:9-14; 122:5-123:3; 123:16-
124:21; 127:7-130:2; 133:15-134:23; 136:23-137:6;

Deposition of T. Ray Brent Marsh: 10:1-8; 15:1-12; 16:9-16; 20:22-
23:1; 28:8-17; 29:2-11; 30:1-21; 31:3-33:3; 35:13-36:12; 36:19-37:23; 40:16-
47:4; 47:11-48:23; 49:25-51:4; 52:25-53:10; 59:16-60:4; 60:8-61:9; 62:20-
62:23; 64:6-70:4; 70:17-78:19; 84:17-85:8; 106:5-106:8; 112:5-112:25;
126:24-127:17; 129:18-130:12; 134:13-135:2; 135:7-23;

**Deposition of C. Eugene Overstreet: 4:10-12; 6:1-14; 8:12-20;
13:11-25; 15:2-11; 16:9-13; 16:18-20; 24:1-9; 26:6-13; 27:3-16; 27:22-28:8;
31:18-32:5; 32:8-33:6; 35:25-36:10; 36:23-39:9; 43:20-44:13; 44:24-45:2; 45:6-
14; 55:13-24; 56:5-57:5; 57:14-17; 57:21-58:6**

Deposition of John Peeples: 4:12-13; 6:25-7:12; 7:20-8:4; 16:1-9;
17:10-15; 18:10-15; 19:18-25:18; 22:13-21; 31:1-9; 32:13-24; 34:17-37:3;
42:25-44:9; 49:22-50:4; 52:24-53:10; 58:16-22; 78:2-81:11; 93:13-23; 95:5-19;
121:23-123:8; 134:20-136:4; 140:6-17; 158:15-159:13;

**Deposition of Julian Peeples: 4:10-12; 5:10-13; 6:7-13; 9:19-10:2;
11:14-17; 11:20-22; 16:14-21; 17:15-18; 18:7-12; 24:17-26:11; 27:11-16; 28:19-
29:24; 30:5-31:4; 31:9-13; 32:2-17; 33:6-11; 33:21-34:17; 36:18-39:5; 39:14-20;
41:16-42:9; 43:4-13; 63:23-64:14; 75:15-76:14; 78:17-23; 86:6-8; 86:21-87:15;
88:8-10; 88:14-20; 106:2-11; 106:16-20; 107:20-25; 110:1-18; 114:11-19; 118:2-
9; 118:12-15; 118:17-119:1; 119:14-23; 129:23-130:17**

**Deposition of Durward Pettit: 3:12-25; 4:19-22; 5:18-24; 6:10-15;
7:1-23; 8:4-9:13; 9:2-10:5; 11:23-12:3; 31:20-32:7; 33:5-35:22; 36:14-17;
36:24-38:2; 41:7-25; 43:20-25; 45:8-49:1; 50:17-51:6; 51:19-52:6; 52:18-53:5;
55:11-15; 57:21-58:25; 59:25-60:11; 70:20-71:7; 80:11-22**

Deposition of Eugene Pike: 4:12-19; 5:13-7:5; 7:25-8:7; 8:14-9:9;
10:18-23; 13:17-14:4; 17:22-18:15; 19:11-20:10; 39:4-6; 39:15-19; 41:2-6;
45:14-48:12; 54:19-58:7; 58:24-60:16; 61:2-10; 64:19-65:2; Robert Foster
(Foster & Son): 4:3-19; 7:18-20; 8:1-9; 8:23-9:9; 10:11-24; 11:10-19; 19:21-
20:18; 21:5-25; 22:13-23:1; 29:5-7; 29:12-21; 32:10-34:4 36:2-8; 36:12-25;

39:1-40:12; 43:14-44:13; 45:9-20; 48:9-16; 51:1-7; 60:18-22; 63:3-16; 65:16-66:5; Robert Foster (Foster & Lay): 6:19-7:20;

Deposition of George Reed: 6:7-12; 27:17-29:14; 41:18-42:6; 49:7-10; 53:23-54:5; 55:22-56:22; 63:4-18; 64:18-67:3; 67:6-12; 71:10-21; 76:20-78:13; 79:16-80:15; 80:25-81:8; 81:22-82:13; 83:7-13; 86:19-21; 88:14-89:8; 89:19-90:6; 92:15-24; 93:14-22; 95:9-22; 96:1-16; 97:7-98:13; 99:23-100:12; 102:1-25; 103:8-16; 107:6-11; 107:19-22; 126:20-127:13; 132:5-24; 137:24-138:8

Deposition of James Gregory Rush: 4:12-14; 37:3-22; 46:9-47:12; 56:10-57:23; 59:19-25; 65:17-66:3; 73:7-74:6; 74:15-23; 114:21-115:14; 126:22-128:8

Deposition of Robert A. Ryan, Jr.: 7:11-18; 8:16-19; 11:14-18; 21:10-15; 21:23-22:1; 24:2-8; 24:17-25:1; 27:13-28:22; 30:4-8; 30:23-32:13; 32:17-33:3; 35:8-11; 36:13-37:25; 41:25-42:2; 56:25-57:8; 57:21-25; 67:2-16; 68:10-18; 69:1-70:6; 70:13-72:5; 72:9-16; 72:23-25; 73:18-74:15; 76:3-77:3; 80:12-15; 80:22-81:3; 81:19-82:24; 83:11-25; 84:9-85:6; 85:14-22; 86:22-87:24; 88:3-89:8; 92:16-18; 93:10-94:7; 94:16-24; 99:15-22; 100:14-18; 101:9-13; 106:4-11; 107:8-108:12;

Deposition of Robert Schrader (MDL): 4:11-13; 8:9-9:12; 13:9-11;
23:3-10; 24:2-7; 24:24-25:12; 27:23-28:8; 55:20-56:15; 63:18-65:1; 69:17-
70:3; 71:4-7; 71:13-16; 71:25-72:14; 73:8-24; 106:12-17; 107:11-23; 109:1-
110:22;

Deposition of Robert Schrader (*Oden*): 25:8-25; 26:5-11; 27:1-8;
28:4-24; 33:21-34:5; 34:23-35:16; 36:4-20; 37:18-38:7; 42:1-23; 46:8-15;
50:15-52:5; 57:1-10; 65:16-19; 68:22-69:15; 73:21-25;

Deposition of John Taylor: 8:2-13; 10:13-19; 16:16-17:17; 18:1-
19:12; 31:19-22; 32:23-33:4; 38:20-40:23; 86:11-19; 86:25-87:3; 134:10-14;
135:15-18; 136:6-9; 138:17-24; 139:22-140:4; 149:18-150:21; 155:18-156:3;
163:19-164:1;

Deposition of John Taylor (*Oden*): 12:1-15; 15:8-20; 16:6-14; 27:6-
25; 28:1-16; 29:10-20; 31:11-17; 32:3-19; 34:6-24; 37:9-19; 38:6-18; 40:9-13;
42:10-16; 43:21-44:9; 47:10-17; 52:21-54:14; 58:25-59:8;

Deposition of Richard Wilbanks: 3:12-14; 9:9-10:18; 10:25-11:11;
11:15-17; 13:14-24; 17:6-18; 20:16-21:12; 22:12-23:17; 30:5-25; 32:13-33:17;
35:23-36:7; 45:6-46:3; 46:14-19; 64:20-65:10; 68:11-19; 69:15-70:20; 79:16-
80:14; 85:12-86:18; 87:10-88:2; 102:12-103:25; 105:8-11; 111:8-113:11;
115:8-117:2;

Deposition of Eugene Williams: 6:6-7; 16:25-17:4; 18:6-9; 18:20-19:13; 19:17-25; 20:5-11; 20:23-21:5; 21:8-22:11; 25:15-25; 26:3-8; 26:16-27:6; 30:16-23; 36:7-18; 36:23-37:17; 38:8-39:9; 59:10-21; 60:24-61:8; 68:15-69:2; 78:4-80:3

Deposition of William J. Willis, Jr.: 4:9-11; 4:15-5:1; 8:13-9:1; 9:7-19; 10:5-7; 10:17-19; 11:3-11; 13:25-15:2; 22:18-22; 23:1-22; 24:4-28:25; 30:6-31:21; 32:2-12; 33:18-22; 34:4-6; 34:17-35:1; 37:7-38:15; 39:3-6; 39:10-41:7; 41:22-42:8; 42:12-15; 43:5-12; 45:24-47:24; 48:19-21; 48:25-49:12; 53:4-18; 54:8-55:10; 67:5-24; 68:5-69:3; 77:16-78:10; 80:8-18; 81:17-82:9;

Deposition of Leroy Wilson (MDL – first deposition): 6:6-7; 12:9-14; 16:15-19; 17:12-18:10; 31:5-33:4; 33:10-36:12; 40:9-25; 42:24-43:16; 44:4-45:6; 52:8-16; 53:20-54:8; 77:20-78:22; 81:16-25; 82:1-11; 84:22-85:5; 90:20-91:10; 92:17-21; 93:19-94:5; 94:22-95:6; 99:25-100:17; 100:23-101:11;

Deposition of Leroy Wilson (MDL – second deposition): 113:4-17; 115:17-116:5; 118:8-119:10;

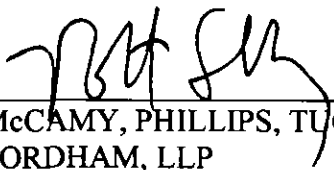
The Funeral Home Defendants, collectively and individually, object to the use of any deposition of any witness or party if the witness or party is available pursuant to the Federal Rules of Civil Procedure and Evidence. Funeral Home Defendants contend that to the extent any witness is unavailable, any deposition of a party or witness may be used.

The Funeral Home Defendants request additional time in which to designate portions of depositions.

The Marsh Defendants designate: Dr. Kris Sperry, pp. 8-9; 38-44; 72-79; 94-100; 104; 233-237; 320-322.

Any objections to the depositions of the foregoing persons or to any questions or answers in the depositions shall be filed in writing no later than the day the case is first scheduled for trial. Objections not perfected in this manner will be deemed waived or abandoned. All depositions shall be reviewed by counsel and all extraneous and unnecessary matter, including non-essential colloquy of counsel, shall be deleted. Depositions, whether preserved by stenographic means or videotape, shall not go out with the jury.

Respectfully Submitted, this ____ day of February, 2004.


McCAMY, PHILLIPS, TUGGLE &
FORDHAM, LLP
Robert H. Smalley, III
P.O. Box 1105
Dalton, Georgia 30722
Telephone: (706) 278-4499
Facsimile: (706) 278-5002

Plaintiffs'/Respondents' Liaison Counsel

BARRETT LAW OFFICE
Don Barrett
Charles Barrett
3319 West End Avenue, 6th Floor
Nashville, Tennessee 37203

SIMS, GRADDICK & DODSON, PC
Charles Graddick
Todd Strohmeyer
205 St. Emanuel Street
Mobile, Alabama 36602

MABRY & McCLELLAND, LLP
Robert M. Darroch
Tenth Floor, 2200
Century Parkway, N.E.
Atlanta, Georgia 30345

DAVID RANDOLPH SMITH &
ASSOCIATES
David Randolph Smith
Hillsboro Village, 1910 Acklen Avenue

Dated this 5 day of February, 2004.

LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP
Elizabeth J. Cabraser
Embarcadero Center West
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Plaintiffs'/Respondents' Lead Counsel

Kathryn E. Barnett
Elizabeth A. Alexander
3319 West End Avenue, Suite 600
Nashville, Tennessee 37203
Telephone: (615) 313-9000
Facsimile: (615) 313-9965q

DOFFERMYRE, SHIELDS, CANFIELD,
KNOWLES & DEVINE
Leslie Bryan
Suite 1600, 1355 Peachtree Street
Atlanta, Georgia 30309

SHUMAKER, WITT, GAITHER &
WHITAKER
William G. Colvin
Suite 500, First Tennessee Building
701 Market Street
Chattanooga, Tennessee 37402

THE FLEISSNER FIRM
Phillip A. Fleissner
600 Georgia Avenue
Chattanooga, Tennessee 37402

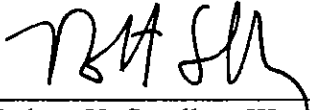
COPPEDGE & LEMAN, PC
Joe Leman
508 South Thornton Avenue
Dalton, Georgia 30720

Nashville, Tennessee 37212

Plaintiffs' Steering Committee

PROOF OF SERVICE BY MAIL

I hereby certify that a copy of the foregoing was served by postage prepaid United States mail on the 5 of February, 2004 addressed to those listed below:



Robert H. Smalley, III

J. Anderson Davis, Esq.
Brinson, Askew, Berry, Seigler,
Richardson & Davis, LLP
PO Box 5513
Rome, GA 30162

*Funeral Home Defendants Lead/Liaison
Counsel*

Frank E. Jenkins, III
Jenkins & Olson, PC
15 South Public Square
Cartersville, GA 30120

McCracken K. Poston, Jr., Esq.
Attorney at Law
62 Nance Lane
PO Box 1130
Ringgold, GA 30736

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 7007 5 - 874
 Luther D. Thomas, Clerk

Attachment "F-1"
TRI-STATE CREMATORY
PLAINTIFFS' WITNESS LIST

By: *Sam M. John*
 Deputy Clerk

NAME	ADDRESS
WILL CALL:	
Crawford, Charles	Crawford Mortuary & Crematory, 2714 Grandview Avenue, Nashville, TN 37211-2233
MAY CALL:	
Adams, Aaron	274 Hawkins Drive, Summerville, GA 30747
Adams, Catherine	
Adams, Glen	8149 Silverhill Road, Lyerly, GA 30730
Adams, Isaac	321 North Congress Street, Summerville, GA 30747
Amidon, Yvonne	8721 Hidden Branches Road, Harrison, TN 37341
Ashburn, David	Walker County Emergency Management Agency, PO Box 445, LaFayette, GA 30728
Ashworth, F.L.	51 Fortune Street, LaFayette, GA 30728
Azar, Betty	307 East Newkirk Street, Apt. 3, Tuscola, IL 61953
Ballew, Larry	Murray County Coroner, PO Box 1431, Chatsworth, GA 30705
Barkley, Mary Sue	562 County Road 783, Ider, AL 35981
Barkley, Roosevelt	71 North Center Point Road, LaFayette, GA 30728, neighbor (no smoke)
Barkley, Roosevelt	71 North Center Point Road, LaFayette, GA. 30728
Barton IV, Robert	R.D. Barton & Son Funeral Home, PO Box 265, Adairsville, GA 30103
Bass, William (Expert)	The Department of Pathology, UT Graduate School of Medicine, 1924 Alcoa Highway, Knoxville, TN 37921
Bauman, Douglas (Expert)	5305 Pineview Way, Apopka, FL 32703
Bechtel, Carol	4153 Sky Harbor Drive, Coeur d'Alene, ID 83816
Blackburn, Mary	2731 Haywood Avenue, Chattanooga, TN 37415
Blackburn, Robert	2731 Haywood Avenue, Chattanooga, TN 37415
Blevins, Donald	PO Box 572142, Houston, TX 77257
Blevins, Mary	1124 Fernway Road, Chattanooga, Tn 37405
Blevins, Woodrow	313 Drake Avenue, Huntsville, AL 35801
Bodkin, Tom	
Brannon, James	Max Brannon & Sons Funeral Home, PO Box 1027, Calhoun, GA 30701
Brannon, Max	Max Brannon & Sons Funeral Home, PO Box 1027, Calhoun, GA 30701
Brown, Bob	Manager, Blossman Gas, PO Box 216, LaFayette, GA 30728
Bush, Wayne	Gilmore Funeral Home, 1600 McArthur Drive, Manchester, TN 37355
Cagle, Robert	Cagle Funeral Home, 665 Church Street, Jasper, GA 30143
Carver, James	Gordon County Coroner, PO Box 493, Calhoun, GA 30703
Carver, James	Max Brannon & Sons Funeral Home, PO Box 1027, Calhoun, GA 30701
Clark, Samuel	Paulding County Coroner, PO Box 1003, Dallas, GA 30132
Cochran, Max	Henry-Cochran Funeral Home, East Main Street, Blue Ridge, GA 30513
Cochran, Stephen	Cochran Funeral Home, PO Box 338, Blairsville, GA 30512
Conyers, Thomas	1552 Tremont Street, Cincinnati, OH 45214

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TRI-STATE CREMATORY
PLAINTIFFS' WITNESS LIST

Cook, Gerald	Employee, Blossman Gas, PO Box 216, LaFayette, GA. 30728
Cook, Howard	Collins Funeral Home, PO Box 557, Acworth, GA 30104
Cordell, Kathryn	3610 5th Avenue, Chattanooga, TN 37407
Cornwell, Charles	118 Center Point Road, LaFayette, GA 30728, neighbor (no smoke)
Cornwell, Charles	118 Center Point Road, LaFayette, GA. 30728
Corriher, Syble	205 Road Runner Boulevard, LaFayette, GA 30728
Crisp, Linda	Rising Fawn, GA
Crox, Walter	Covenant Funeral Services, 2114 Chapman Road, Chattanooga, TN 37421
Custodian of records for GA State Funeral Board	Joanne Lyde, Georgia State Board of Funeral Service, 237 Coliseum Drive, Macon, GA 31217
Custodian of records for TN State Funeral Board	Robert Gribble, Davy Crockett Tower, 2nd floor, 500 James Robertson Parkway, Nashville, TN 37243
Custodian of records for Walker County Messenger	Angie Deering, Walker County Messenger, 120 East Patton Street, LaFayette, GA 30728
Custodian of Records of all Georgia and Tennessee death certificates	Each local Probate Judge or health department custodian or records, per county
Davidson, Judy (Expert)	Renew Center, PO Box 125, Berea, KY 40403
Dilbeck, Dustin	P.O. Box 234, Lanesville, IN 47136
Dirkmaat, Dennis (Expert)	Mercyhurst Archaeological Institute, Mercyhurst College, Glenwood Hills, Erie, PA 16546
Douthit, Donald (Expert)	Standard of care expert
Draper, Carol	7624 Hawthorne Drive, Knoxville, TN 37919
Eberhart, Jeff	Jeff Eberhart Funeral Home, 123 Watson Drive, Dallas, GA 30132
Edkins, Thomas	518 West Beech Tree Lane, Wayne, PA 19087
Edmisten, Gretchen	Walker County, GA.
Edwards, Bobby	PO Box 72, Rock Springs, GA 30739
Eggert, James	Sequatchie Valley Funeral Home, PO Box 488, Jasper, TN 37347
Elder, Brent	66 South Georgianna Street, Jasper, GA 30143
Elliott, Tim	230 Appaloosa Drive, Tunnel Hill, GA 30755
EPA witnesses	US EPA, 61 Forsyth Street SW, Atlanta, GA 30303-3194
Ewton, Daniel	Ewton Funeral Home, US Hwy 28, Box 98, Dunlap, TN 37327
Ferraro, Bruno (Expert)	Grove Scientific & Engineering, 6140 Edgewaer Drive, Suite F, Orlando, FL 32810
Fitch, Joannette	1807 Foust Street, Apt. B, Chattanooga, TN 37407
Fleeman, Mollie	Professional Licensing Board Division, 237 Coliseum Drive, Macon, GA 31217-3858
Flozos, Dr. Peter	treated Ms. Ross for miscarriage

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TRI-STATE CREMATORY
PLAINTIFFS' WITNESS LIST

Foster, Robert	Foster & Son Funeral Home, 116 St. Clair Street, Tracy City, TN 37387
Freilburg, Russell	
Fulginetti, Laura	15015 South 14th Place, Phoenix, AZ 95048
Gantt, Howard	Hay-Gantt Funeral Home, 1010 Roswell Road, Marietta, GA 30060
GBI agents	to whom Marsh identified bodies
Gold, Lori	#3 Island Avenue, No. 158, Miami Beach, FL 33139
Goldizen, Robert	1507 Hickory Valley Rd. Apt. H53, Chattanooga, TN 37421
Goodman, Joan	307 Cavender Street, LaFayette, GA 30739
Grant, Dr. Richard	psychiatrist who treated Mr. Irvin
Gravitt, Richard	204 Mountain View Drive, Dalton, GA 30721
Gray, Hartley	Collins Funeral Home, PO Box 557, Acworth, GA 30104
Gray, Johnny Ray	Dade County Coroner, PO Box 832, Trenton, GA 30752
Green, Daniel	12226 S. Roy Rd., Beloit, WI 53511
Grissom, Mark	Grissom Funeral Home, 3010 North Ocoee Street, Cleveland, TN 37312-5378
Guyton, Joel	Bartow County Coroner, 135 West Cherokee Avenue, Cartersville, GA 30120
Hall, Gordon	15418 Tierce Lake Road, Northport, AL 35475
Hargis, John	Wann Funeral Home, 4000 Tennessee Avenue, Chattanooga, TN 37409-1321
Harmon, Judy Kay	
Harris, Vallee	1313 Radmoor Circle, Chattanooga, TN 37421
Haynes, Paula	6021 Old Dayton Pike, Chattanooga, TN 37415
Heiskell, Bebe	Walker County Commissioner, PO Box 445, LaFayette, GA 30728
Helton, Ossie	Helton Mortuary, 900 Church Street, Rockmart, GA 30153
Henderson, Barry	Floyd County Coroner, 3002 Maple Road, Rome, GA 30161
Hensley, Jerry	Gilmer County Coroner, 234 Riverbottom Road, Ellijay, GA 30540
Hensley, Jerry (also listed above as coroner)	Logan Funeral Home, PO Box 485, Ellijay, GA 30540
Higdon, Charles	311 Center Street, Stone Mountain, GA 37377
Higdon, James	2626 Berkley Drive, Chattanooga, TN 37415
Higdon, Michael	2511 Crescent Club Drive, Hixson, TN 37343
Highfield, Ronnie	J.D. Hill Funeral Home, 833 Chickamauga Avenue, Rossville, GA 30741
Hoover, James	3911 B Redbud Dr. NW, Cleveland, TN 37312
Howe, Joan	1337 Bunches Creek Road, Cherokee, NC 28719
Hullander, Vanita	Catoosa County Coroner, PO Box 51, Ringgold, GA 30736
Hunziker, Bessie	Route 1 Box 644 3rd St., Tracy City, TN 37387
Irvin, Robert	1212 W. North Main Street, LaFayette, GA 30728
Jaconetti, James	2734 Bradberry Hill Road, Rocky Face, GA 30740
Jeffries, Gloria	207 Holly Avenue, S. Pittsburgh, TN 37380
Jones, Jesse	Jesse Jones Funeral Home, 3665 Chattanooga Road, Tunnel Hill, GA 30755
Jones, Trudy	Post Office Box 355, Sugar Valley, GA 30746
Joyce, Charles	Love Funeral Home, PO Box 686, Dalton, GA 30720
Kelly, Kathi	
Kile, Lee	8288 Chula Creek Road, Chattanooga, TN. 37421
Kirkland, David	2201 South Cobb Drive SE, Smyrna, GA 30080

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TRI-STATE CREMATORY
PLAINTIFFS' WITNESS LIST

Kitchens, Alex	PO Box 368, Monteagle, TN 37365
Knoedler, Chris	1020 Hawlings Road, Brookeville, MD. 20833
Knoedler, Rick	2970 Skyland Drive; Atlanta, GA. 30341
Laderman, Gary (Expert)	Emory University, Department of Religion, American Studies, Atlanta, GA 30322
Lasater, Herman	834 Chatfield Street, Lakeland, FL 33803
Lay, Dean	Cumberland Funeral Home, PO Box 247, Monteagle, TN 37356
Layne, Dale	Layne Funeral Home, PO Box 40, Palmer, TN 37365
Lazarus, Richard	201 Baltusrol Road; Franklin, TN. 37069
Lee, Christine	494 Cline Road, Box 12, Resaca, GA 30735
Lehman, Joe	J. Avery Bryan, 747 McCallie Avenue, Chattanooga, TN 37403
Lietsey III, Lester	Polk County Coroner, PO Box 123, Cedartown, GA 30125
Lindley, Chris	112 Live Oak Drive, Wrightsville Beach, NC 28480
Llorens, Luis (Expert)	AI Environmental Consulting Services, 1401 Devon Road, Winter Park, FL 32789-5418
LoCicero, Jack (Expert)	Madonna University, 36600 Schoolcraft Road, Livonia, MI 48150
Lowrance, Kristine	314 Wiseman Road, Tullahoma, TN 37388
Mandell, Robbie	PO Box 1402, Ringgold, GA 30736
Marsh, Clara	375 Center Point Road, LaFayette, GA 30728-6609
Marsh, James	
Marsh, Jerry	
Marsh, LeShea	19 Marsh Lane, LaFayette, GA 30728
Marsh, Ray Brent	
Mason, Tim	
Massey, John	Georgia State Funeral Board, 237 Coliseum Drive, Macon, GA 31217-3858
McConnell, Gary	Former GEMA Director
McGill, Ruth	909 Bettis Road, Chatsworth, GA 30705
McGill, William	3807 Airport Road, GA 30728
Miller, Alvis	Alvis Miller & Sons Funeral Home, 304 West Elm Street, Rockmart, GA 30153
Minger, Marguerite	Post Office Box 632, Manchester, TN 37349
Mitchell, Adolphus	1401 Market Street, Apt. 307, Chattanooga, TN 37402
Mitchell, Doris	
Montgomery, Billy	Lynn's Funeral Home, 333 Branham Avenue, Rome, GA 30162
Moore, Larry	R.D. Moore Funeral Home, 11910 South Main Street, Trenton, GA 30752-0816
Neri, Joe	107-56 122 Street, Richmond Hill, NY 11419
Newman, Susan	
O'Toole, Mary	10220 Big Canoe, Big Canoe, GA 30143
Oden, Joe	4433 Live Oak Lane, Chattanooga, TN 37411
Overstreet, Eugene	House of Overstreet Mortuary, 501 North Hamilton Street, Dalton, GA 30720
Parker, Jonathan	Georgia State Patrol, 1166 Lovers Lane Road, Calhoun, GA 30701
Patterson, Deloris	PO Box 218, Winston, GA 30187
Peeples, John	Peeples Funeral Home, PO Box 577, Chatsworth, GA 30705
Peeples, Julian	Julian Peeples Funeral Home, 2801 Cleveland Highway, Dalton, GA 30721

Attachment "F-1"
TRI-STATE CREMATORY
PLAINTIFFS' WITNESS LIST

Perry, W.C.	Perry Funeral Home, PO Box 57, Centre, AL 35960
Petitt, Durward	Erwin-Petitt Funeral Home, 12855 US 27 North, Summerville, GA 30747
Petty, Tony	Fannin County Coroner, PO Box 310, Blue Ridge, GA 30513
Phillips, Eloise	21 Lost Tree Lane, Columbia, SC 29223
Ponders, Stoney	Ponders Funeral Home, 5012 North Hamilton Street, Dalton, GA 30720
Price, Peggy	Route 1 Box 644 3rd St., Tracy City, TN 37387
Rahill, Paul	IEE, 2501 John Young Pkwy., Orlando, FL.
Rainwater, Earle	Chattooga County Coroner, PO Box 88, Summerville, GA 30747
Rainwater, William	J.D. Hill Funeral Home, 833 Chickamauga Avenue, Rossville, GA 30741
Ramey, Greg	Georgia Bureau of Investigation, PO Box 279, Buchanan, GA 30113
Rankin, Preston	5339 Marion Avenue, East Ridge, TN 37412
Reeves, Dennis	Collins Funeral Home, PO Box 557, Acworth, GA 30104
Reynolds, William	3529 Dell Trail; Chattanooga, TN. 37411
Risley, Janice	PO Box 43, Fairmount, GA 30139
Rollins, Paul	131 Raulston Avenue, Monteagle, TN 37356-9573
Ross, Heather	707 Ohio Avenue, Belpre, OH 45714
Ruff, Cynthia	
Rush, C. Mark	Buckner-Rush Funeral Home, 220 Wildwood Avenue SE, Cleveland, TN 37311
Rush, Jim	Buckner-Rush Funeral Home, 220 Wildwood Avenue SE, Cleveland, TN 37311
Ryan, Robert	Ryan Funeral Home, PO Box 506, Trenton, GA 30752
Rymer, Jimmy	Rymer Road, Chatsworth, GA.
Sanchez, Renee	195 Valley View Dr., Tyrone, GA 30290
Sanders, Douglas	Lynn's Funeral Home, 333 Branham Avenue, Rome, GA 30162
Schrader, Robert	Turner Funeral Home, 1101 Dodds Avenue, Chattanooga, TN 37416
Segrest, Patterson Vickie	14 B Hummingbird Place, Rome, GA. 30165
Sheank, Mary Ann	Chattanooga, Tennessee
Sheriffs Deputies	Walker County Sheriff's Department
Shirley, James	8617 Evans Street, Omaha, NE 68134
Shockley, Mary	1337 Old Dalton-Ellijay Road, Apt. 36, Chatsworth, GA
Sicignano, Ann	42 Chateau Drive SE, Apt. 112, Rome, GA 30161
Smith, Etta Lee	PO Box 581, Crandall, GA 30711
Smith, Gearldean	429 Center Point Road, LaFayette, GA. 30728
Smith, Steven	Buckner-Rush Funeral Home, 220 Wildwood Avenue SE, Cleveland, TN 37311
Snow, Bobbie	
Southerland, James	Collins Funeral Home, PO Box 557, Acworth, GA 30104
Spearman, Walter	262 Joyland Place SW, Building 2 – Apt. 2, Atlanta, GA 30315
Sperry, Kris	GBI, Medical Examiner's Office, PO Box 370808, Decatur, GA 30037-0808
Stanton, Amy	207 Integra Ave., SE, Salem, OR. 97306
Tamburello, Tom	728 Stallings Road, Trenton, GA 30752
Taylor, Crystal	1904 Tibbs Terrace, Dalton, GA 30720
Taylor, John	Taylor Funeral Home, 3417 Wilcox Boulevard, Chattanooga, TN 37411
Thomas, Bruce	535 Red Bud Road NE, Calhoun, GA 30752
Trammell, Gertrude	Hardwick & Sons Funeral Home, 765 Martin Luther King Boulevard, Chattanooga,

Attachment "F-1"
TRI-STATE CREMATORY
PLAINTIFFS' WITNESS LIST

	TN 37403
Tucker, Randy	Rucker Investigations, PO Box 299, Varnell, GA 30756
Turner, Mike	Turner Funeral Home, 1101 Dodds Avenue, Chattanooga, TN 37416
Vaughn, Kenneth	Kerby Funeral Home, PO Box 206, Henagar, AL 35978
Waller, Romona	1048 Hurricane Creek Road, Chattanooga, TN 37421
Waters, Lonnie	Pickens County Coroner, 409 Boling Fountain Road, Jasper, GA 30143
Watts, Edward	700 Brook Road, Pendegrass, GA 30567
Wessells, Joy	
Wheeler, Karen (Expert)	Alive Hospice, 1718 Patterson Street, Nashville, TN 37203
Wilbanks, Richard	Wallis-Wilbanks Funeral Home, 121 West Villanow Street, LaFayette, GA 30728
Williams, Eugene	Franklin-Strickland Funeral Home, PO Box 1128, Chattanooga, TN 37401
Williams, John (Expert)	Department of Anthropology, Western Carolina University, Cullowhee, NC 28723
Willis, William (Jr.)	Willis Funeral Home, 425 Fourth Avenue, Dalton, GA 30721
Wilson, Dewayne	Walker County Coroner, PO Box 1063, LaFayette, GA 30728
Wilson, Leroy	W.L. Wilson & Sons Funeral Home, PO Box 2093, Ft. Oglethorpe, GA 37402-0093
Wilson, Steve	Walker County Sheriff's Department, PO Box 767, LaFayette, GA 30728
Wilson, Treavor	Cochran-Finch Funeral Home, PO Box 39, McCaysville, GA 30555
Wingfield, Frances	Wingfield Funeral Home, 206 Marietta Street, Cedartown, GA 30125
Wolff, Kevin R.	Atlanta Gas & Light and GA Natural Gas, 10 Peachtree Street, Suite 100, Atlanta, GA 30309
Wood, Jr., Llewellyn	PO Box 1857, LaFayette, GA 30728
Woodall, Charlotte	2608 East 39th Street, Chattanooga, TN 37407
Wright, Joe	Wright Memorial Mortuary, 814 South Broad Street, Rome, GA 30161
Yockel, Paula	72 Transvaal Ave., Pittsburgh, PA 15212
All witnesses listed by any other Party	

FILED IN OPEN COURT
FEB - 5 2004

Luther D. Thomas, Clerk

By: *Sam M Johnston*
Deputy Clerk

Attachment "G-1"
TRI-STATE CREMATORY
PLAINTIFFS' EXHIBIT LIST

Exh. No.	Description	Tendered	Admitted
1)	Collective exhibit of all client files produced by defendants. a) death certificates b) transit permits c) cremation authorizations d) contracts		
2)	Summary of chart of decedents sent to Tri-State Crematory (sorted first by funeral home and then by year of death)		
3)	Collective exhibit of photographs of Tri-State grounds taken by Georgia Bureau of Investigation (GBI;)		
4)	Collective exhibit of photographs of Tri-State grounds taken on June 20, 2002;		
5)	Collective exhibit of photographs of the wood chipper taken on June 20, 2002;		
6)	Collective exhibit of photographs of remains discovered on Tri-State grounds taken by GBI;		
7)	Collective exhibit of photographs of remains discovered on Tri-State grounds taken on June 20, 2002;		
8)	Collective exhibit of photographs of Charles Crawford's facility;		
9)	Metal identification disk (exemplar);		
10)	Collective exhibit of photographs David Kirkland's facility;		
11)	GBI aerial diagram of site;		
12)	Checks signed by Ray Marsh as late as 1999 (Exhibit 8 to Response to Marsh Defendants' Summary Judgment Motion)		

Attachment "G-1"
TRI-STATE CREMATORY
PLAINTIFFS' EXHIBIT LIST

Exh. No.	Description	Tendered	Admitted
13)	"Agreement Pertaining to Identification Procedures" between J.D. Hill Funeral Home and Tri-State Crematory dated August 10, 2001, signed by Ray Marsh.		
14)	Ray Marsh work orders for Blossman Gas, Inc., in 2001.		
15)	1995 article from the Funeral Service Business & Legal Guide, stating that one of the "Ten Commandments of Cremation Practice" is "THOU SHALL NOT CREMATE THE WRONG BODY AND, TO AVOID THAT OCCURRENCE, THOU SHALL ESTABLISH AN IDENTIFICATION PROCEDURE."		
16)	Exhibits 4-7 to the deposition of Eugene Williams indicate the view from the Marsh home to the place where the bodies were recovered.		
17)	Invoices from Industrial Equipment & Engineering Co., to the attention of Clara Marsh		
18)	Documents regarding Clara Marsh's procurement of the liability and property coverage insurance for the period of February 19, 1998, through February 19, 1999 for the property (Exhibit 10 to the response to the Marsh summary judgment motions)		
19)	"Avoiding Cremation Liability" from the Funeral Service Business and Legal Guide, 1996, issue 7-8		
20)	"An Identification of Human Remains Procedure to Avoid Litigation" from Funeral Service Business and Legal Guide 1995, issue 4		
21)	Mortuary Management publication dated October 1984 titled "Cremation Ethics"		
22)	Brent Marsh's apprentice application		
23)	Cremation Association of North America ("CANA")-		

Attachment "G-1"
TRI-STATE CREMATORY
PLAINTIFFS' EXHIBIT LIST

Exh. No.	Description	Tendered	Admitted
	Tri-State press release;		
24)	CANA web site page titled "CANA and Its Funeral Director Member"		
25)	CANA Recommended Procedures for Handling Dead Human Bodies by an Authorized Crematory Authority;		
26)	CANA Crematory Operations Seminar for Owners and Managers Dated 11/06-07/02		
27)	CANA Guideline for Funeral Directors Who Do Not Have A Crematory- What to Inspect		
28)	Code of Cremation Practice published by CANA (Exhibit 90 from Plaintiffs' Bench Book for the Class Certification Hearing)		
29)	The Cremationist of North America, Vol. 38, No. 1, 2002, February/March/April issue		
30)	The International Order of the Golden Rule: Standards of Ethical Conduct;		
31)	Telephone directory advertisements of Tri-State Crematory (a portion of Exhibit 84 from Plaintiffs' Bench Book for the Class Certification Hearing)		
32)	1990 U.S. Income Tax Return, Tri-State Crematory (TSC-0072, TSC-0073, TSC-0074, TSC-0075, TSC-0076, TSC-0077, TSC-0078, TSC-0079, TSC-0080)		
33)	1991 U.S. Income Tax Return, Tri-State Crematory (TSC-0307, TSC-0308, TSC-0309, TSC-0310, TSC-0311, TSC-0312, TSC-0313, TSC-0314, TSC-0315, TSC-0316, TSC-0326)		
34)	Blossman Gas Service Work Order - 11/7/98		
35)	Blossman Gas Service Work Order - 10/28/92		
36)	Blossman Gas 200 gallon tank Rental Agreement -		

Attachment "G-1"
TRI-STATE CREMATORY
PLAINTIFFS' EXHIBIT LIST

Exh. No.	Description	Tendered	Admitted
	11/27/87		
37)	Blossman Gas 500 gallon tank Rental Agreement - 6/1/82		
38)	Blossman Gas 120 gallon tank Rental Agreement - 6/1/83		
39)	Northwest Georgia Service Agreement (2) 500 gallon tanks dated 6/1/82		
40)	Certified copies of articles of incorporation of Tri-State Crematory, Inc.		
41)	Certified copies of corporate dissolution of Tri-State Crematory, Inc.		
42)	Box containing purported cremated remains of Thomas J. Conyers		
43)	EPA pamphlet regarding BTU per gallon propane		
44)	National Propane Gas pamphlet regarding BTU per gallon propane		
45)	Production data documents, A-1 Environmental Consulting Services		
46)	Particulate Emissions Data, A-1 Environmental Consulting Services		
47)	AP-42 Table 1.5-1, A-1 Environmental Consulting Services		
48)	Updated Blossman Gas purchases and consumption records		
49)	Operation and Maintenance Manual, Power-Pak II, Model IE43-OOII, Industrial Equipment Engineering Company, © 1992		
50)	Emissions Testing, Power-Pak II IE43-PPII, Report from Florida EPD dated 07/15/91		
51)	Emissions Testing Report - Aycock Funeral Home -		

Attachment "G-1"
TRI-STATE CREMATORY
PLAINTIFFS' EXHIBIT LIST

Exh. No.	Description	Tendered	Admitted
	similar unit		
52)	Emissions Testing Report - Scobee Ireland Potter Funeral Home - similar unit		
53)	Emissions Testing Report - Curlew Hill Memory Gardens		
54)	Affidavit of Charles Cornwell (for impeachment purposes only)		
55)	Affidavit of Gearldean Smith (for impeachment purposes only)		
56)	Affidavit of Roosevelt Barkley (for impeachment purposes only)		
57)	Engineering drawing of Power-Pak II Model IE43-PPII		
58)	Summary Exhibit - Gas Purchase and Consumption Chart		
59)	Application for Judicial Declaration of Indigency and Certificate of Financial Resources of Ray Brent Marsh, Walker County Superior Court		
60)	Ray Brent Marsh Indigency Questionnaire		
61)	Photographs of Alan Kroboth's facility (a portion of Exhibit 90 to Plaintiffs' Bench Book for the Class Certification Hearing)		
62)	Attorney General Opinion Letter dated 06/08/1981		
63)	Georgia Bureau of Investigation photographs: 49(a) Disk #1 GBI 005-P22 GBI 008-P06 GBI 009-P04 GBI 009-P10 GBI 1010-P01 GBI 1012-P02		

Attachment "G-1"
TRI-STATE CREMATORY
PLAINTIFFS' EXHIBIT LIST

Exh. No.	Description	Tendered	Admitted
	49(b) Disc #2 GBI 1015-P02 GBI 1014-P03 GBI 1014-P01		
	49(c) Disc #2A GBI 1019-P01		
	49(d) Disc #4 GBI 1020-P10 GBI 1021-P03 GBI 1031-P01		
	49(e) Disc #5 GBI 1038-P15 GBI 046-P15		
	49(f) Disc #6 GBI 053-P17 GBI 049-P30 GBI 049-P28		
	49(g) Disc #7 GBI 060-P01 GBI 060-P05 GBI 061-P05 GBI 061-P07 GBI 062-P19 GBI 068-P08 GBI 069-P08 GBI 069-P13 GBI 070-P09		
	49(h) Disc #8 GBI 090-P03 GBI 095-P23		

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Exh. No.	Description	Tendered	Admitted
	GBI 095-P24		
	49(i) Disc #9 GBI 096-P05 GBI 096-P06 GBI 101-P07 GBI 105-P06 GBI 107-P01 GBI 108-P04 GBI 109-P04 GBI 109-P18 GBI 109-P26		
	49(j) Disc #10 GBI 110-P29 GBI 110-P34 GBI 110-P37 GBI 111-P15 GBI 113-P05 GBI 118-P13 GBI 118-P17 GBI 119-P08 GBI 119-P21 GBI 120-P19		
	49(k) Disc #11 GBI 121-P05 GBI 127-P31 GBI 127-P47 GBI 129-P08		
	49(l) Disc #12 GBI 136-P43 GBI 136-P51		
	49(m) Disc #13		

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Exh. No.	Description	Tendered	Admitted
	GBI 146-P01-P07 GBI 147-P17 GBI 149-P01 <hr/> 49(n) Disc #14 GBI 156-P01 GBI 158-P15-P23 GBI 158-P24 <hr/> 49(o) Disc #17 GBI 188-P008 GBI 189-P002 GBI 192-P013 GBI 193-P003 GBI 193-P007 GBI 194-P015 GBI 194-P022		
64)	W.L. Wilson & Sons Funeral Home price list		
65)	Buckner-Rush General Price List effective 11/02/00		
66)	Buckner Rush General Price List effective 01/01/99		
67)	Moore Funeral Home General Price List effective 01/01/02		
68)	Jennings Funeral Home General Price List effective 01/13/97		
69)	Parnick Jennings Funeral Home General Price List effective 01/06/97		
70)	Parnick Jennings Funeral Home General Price List effective 01/13/97		
71)	Fike Funeral Home General Prices List effective 10/26/01		
72)	Fike Funeral Home General Prices List effective 01/01/02		

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Exh. No.	Description	Tendered	Admitted
73)	Chattanooga Funeral Home-West Chapel General Price list effective 10/24/01		
74)	Chattanooga Funeral Home-West Chapel General Price list effective 01/01/02		
75)	Chattanooga Funeral Home-Valley View Chapel General Price list effective 10/24/01		
76)	Chattanooga Funeral Home-Valley View Chapel General Price list effective 01/01/02		
77)	11/03/92 correspondence from Gloria Bates of the East Tennessee State Funeral Directors and Morticians Association, Inc. to Bill Teague with attached newspaper article		
78)	Written complaint regarding Tri-State Crematory submitted to Walker County Coroner's Office from W.E. McGill to the Georgia Secretary of State Examining Boards		
79)	08/11/1995 correspondence from County Coroner's Office to the Georgia Examining Board		
80)	Pronouncement of Death for James B. Westmoreland dated 09/16/1993 (TSC 1922)		
81)	W.L. Wilson & Sons Funeral Home Disposition of Cremation Authorization dated 07/22/1993 (TSC 1911)		
82)	Cremation Authorization for James Edward Bowmgartner dated 10/14/1993 (TSC 1902)		
83)	Cremation Authorization for John P. Brannon dated 02/12/1995 (TSC 1868)		
84)	Cremation Authorization dated 11/23/1993 (TSC 2027)		
85)	Remains receipt (TSC 1929)		

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Exh. No.	Description	Tendered	Admitted
86)	Footnotes to CANA Sample Cremations Authorization and Disposition Form		
87)	Memo to Jack Springer from Alan Kroboth dated 03/25/2002		
88)	Correspondence dated 06/14/02 to Robert Brinson regarding "SCI Litigation: from Alan Kroboth		
89)	Correspondence dated 11/16/2002 to Robert Brinson from Alan Kroboth with invoice		
90)	Memo to Bob Brinson from Alan Kroboth dated 05/30/2002		
91)	Mobile Home Application for Placement in Walker County, Georgia (TSC 3058-3060)		
92)	State of Georgia Motor Vehicle Registration for a 1988 Dodge Dakota (TSC 4096)		
93)	Insurance Identification Card for a 1974 Oldsmobile Hearse effective 08/18/1988 (TSC 3048)		
94)	Contract for Directory Advertising Service dated 06/10/1998 (TSC 3521)		
95)	L.M. Berry & Company regarding advertising in the yellow pages (TSC 3587)		
96)	Blossman Gas Bill to Ray Marsh dated 05/31/1994 (TSC 1700-1701)		
97)	1981-1982 CANA Certificate of Membership issued to Tommy Ray Marsh (TSC 2402)		
98)	Industrial Equipment schematics (TSC 1682-1687, 1689, 1690, 1690, 1691-1694)		
99)	Note "need a pet cremated" (TSC 1090)		
100)	Note to "Ray" "LaShae and Clara have gone to Manchester ... to Gilmore ... I have gone to Buckner" signed "Ray" (TSC 1111)		

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Exh. No.	Description	Tendered	Admitted
101)	Correspondence dated 01/17/1994 from Henry-Cochran Funeral Home to "Funeral Director" announcing the opening of its licensed crematory (TSC 1460)		
102)	Receipt for cremation of Phyllis Cunningham to Ms. Constance Smith signed by Rhames L. Marsh dated 03/23/1995 (TSC 1871)		
103)	Receipt for cremation of Carl Diehn to Mr. Barney Westner signed by Rhames L. Marsh dated 10/09/1993 (TSC 1928)		
104)	Invoice for legal services provided by Boyce, Ekonomou & Atkinson to Ray Marsh (TSC 1945-1947)		
105)	Correspondence from the Betsy Cohen, Assistant Attorney General for the State of Georgia to Ray Marsh dated 06/06/1995 regarding operation of Tri-State without a license and Voluntary Cease and Desist Order (TSC 1958-1963)		
106)	Industrial Equipment & Engineering Co. invoice dated 05/28/1982 for Econ-O-Pak cremator (TSC 4027)		
107)	Business cards for Marsh businesses (TSC 4023)		
108)	Funeral Service Institute "Unit One Introduction & History" (TSC 4705, 4710-4712, 4714-4716, 4750-4784)		
109)	Funeral Service Institute "Unit Two Funeral Home Basics" (TSC 4986-5013)		
110)	<u>City of Chickamauga v. Sam & Tommy Marsh</u> , Tax Execution dated 10/25/1999		
111)	Income Tax documents for 1995 (TSC 1078, 1083, 1084, 1087)		

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Exh. No.	Description	Tendered	Admitted
112)	Disclosure Statement from Bankers First dated 8/2/1994 for Tommy Ray Marsh and Clara Chestnut Marsh for "remodel house" (TSC 2986)		
113)	Kerby Defendants' Responses to Plaintiffs' First Master Interrogatories		
114)	Kerby Defendants' Response to Plaintiffs' First Master Set of Document Requests		
115)	Defendant J. Avery Bryan Responses to Plaintiffs' First Master Interrogatories		
116)	Defendant J. Avery Bryan Funeral Home's Responses to Plaintiffs' First Master set of Requests for Production of Documents		
117)	Defendant J. Avery Bryan Funeral Home's Amended Response to Plaintiffs' First Master Set of Interrogatories		
118)	Franklin Strickland Funeral Home's Supplemental Responses to Plaintiffs' First Master Interrogatories		
119)	Defendant Willis Funeral Home's Responses to Plaintiffs' First Master Interrogatories		
120)	Defendant Willis Funeral Home's Responses to Plaintiffs' First Master set of Document Requests		
121)	Defendant Willis Funeral Home's Amended Responses to Plaintiffs' First Master Interrogatories		
122)	Defendant Turner Funeral Home's Responses to Plaintiffs' First Master Interrogatories		
123)	Defendant Gilmore Funeral Home, LLC's Responses to Plaintiffs' First Master Interrogatories		
124)	Defendant Gilmore Funeral Home, LLC's Responses to Plaintiffs' First Master set of Document Requests		
125)	Defendant R. D. Moore Funeral Home, Inc.'s		

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Exh. No.	Description	Tendered	Admitted
	Responses to Plaintiffs' First Master Interrogatories		
126)	Defendant R. D. Moore Funeral Home, Inc.'s Responses to Plaintiffs' First Master set of Document Requests		
127)	Defendant Taylor Funeral Home of Chattanooga, Incorporated's Second Supplemental Responses to Plaintiffs' First Master Interrogatories		
128)	Defendant Taylor Funeral Home of Chattanooga, Incorporated's Responses to Plaintiffs' First Master set of Document Requests		
129)	Defendant Sequatchie Valley Memorial Funeral Home and Gardens Inc.'s Responses to Plaintiffs' First Master Interrogatories		
130)	Defendant Sequatchie Valley Memorial Funeral Home and Gardens Inc.'s Second Supplemental Responses to Plaintiffs' First Master Document Requests		
131)	Defendant Erwin Pettit Funeral Home, Inc.'s Responses to Plaintiffs' First Master Set of Interrogatories		
132)	Defendant Erwin Pettit Funeral Home, Inc.'s Responses to Plaintiffs' First Master set of Document Requests		
133)	Defendant Ewton Funeral Home Inc.'s Responses to Plaintiffs' First Master Set of Interrogatories		
134)	Defendant Ewton Funeral Home Inc.'s Responses to First Master set of Document Requests		
135)	Defendant W.L. Wilson and Sons, Inc.'s Responses to Plaintiffs' First Master Set of Interrogatories		
136)	Defendant W.L. Wilson and Sons, Inc.'s Responses to First Master set of Document Requests		

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Exh. No.	Description	Tendered	Admitted
137)	Defendant Layne Funeral Home, Inc.'s Confidential Response to Plaintiffs' First Master Set of Interrogatories		
138)	Defendant Layne Funeral Home, Inc.'s Confidential Response to Plaintiffs' First Master Set Document Requests		
139)	Defendant Wann Funeral Home's Answers to Plaintiffs' First Master Set of Interrogatories		
140)	Defendant Wann Funeral Home's Responses to Plaintiffs' First Master Set of Document Requests		
141)	Defendants Buckner Rush Enterprises, Inc., Prime Succession Holdings, Inc., Prime Succession, Inc. and Prime Succession of Tennessee, Inc.'s Responses and Objections to Plaintiffs' First Master Set of Interrogatories		
142)	Defendant Love Funeral Home, Inc.'s Second Supplemental Responses to Plaintiffs' First Master Set of Interrogatories		
143)	Defendant Jesse Jones Funeral Home, Inc.'s Objections and Responses to Plaintiffs' First Master Set of Interrogatories		
144)	Defendant Burt Funeral Home, Inc.'s Objections and Response to Plaintiffs' First Master Set of Interrogatories		
145)	Responses of Foster & Sons Funeral Home and Foster & Lay Funeral Home, Inc. to Plaintiffs' First Interrogatories		
146)	Answers to Plaintiffs' First Set of Master Interrogatories to Defendants By Defendant House of Overstreet Mortuary, Inc. and Family Mortuary, Inc.		
147)	Response to Plaintiffs' First Master Set of Document Requests to Funeral Home Defendants by Defendant		

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Exh. No.	Description	Tendered	Admitted
	House of Overstreet Mortuary, Inc. and Family Mortuary, Inc.		
148)	Defendant Wallis-Wilbanks Funeral Home, LLC Responses to Plaintiffs' First Master Set of Interrogatories (dated 11/11/02)		
149)	Defendant Wallis-Wilbanks Funeral Home, LLC Responses to Plaintiffs' First Master Set of Interrogatories (dated 7/23/03)		
150)	Defendant R. Dudley Barton & Son Funeral Home, Inc.'s Responses to Plaintiffs' First Master Set of Interrogatories		
151)	SCI Funeral Home Defendants' Responses and Objections to Responses to Plaintiffs' First Master Set of Interrogatories		
152)	SCI Funeral Home Defendants' Responses and Objections to Responses to Plaintiffs' First Master Set of Document Requests		
153)	Defendant Ryan Funeral Home, Inc.'s Supplemental Responses to Plaintiffs' First Master Set of Interrogatories		
154)	Defendant Ryan Funeral Home, Inc.'s Supplemental Responses to Plaintiffs' First Master Set of Document Requests		
155)	Defendant Julian Peoples Memorial Chapel, Inc. d/b/a Julian Peoples Funeral home's Objections and Responses to Plaintiffs' First Master Set of Interrogatories		
156)	Defendant Peoples Funeral Home, Inc. d/b/a Peoples Funeral Home's Objections and Responses to Plaintiffs' First Master Set of Interrogatories		
157)	Defendant Peoples Funeral Home, Inc. d/b/a Peoples Funeral Home's Responses and Objections to		

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Exh. No.	Description	Tendered	Admitted
	Plaintiffs' First Master Set of Document Requests		
158)	Defendant Thomas & Son Funeral Home, Inc.'s Responses to First Master Set of Interrogatories		
159)	Defendant Thomas & Son Funeral Home, Inc.'s Responses to First Master Set of Document Requests		
160)	Response of Dean Lay d/b/a Cumberland Funeral Home – Tracy City Responses to Plaintiffs' First Interrogatories and Request for Production of Documents		
161)	Defendant Cagle Funeral Home's Responses to Plaintiffs' First Master Set of Interrogatories		
162)	Defendant Hardwick Funeral Home's Responses to Plaintiffs' First Master Set of Interrogatories		
163)	Defendant Hardwick Funeral Home's Responses to Plaintiffs' First Master Set of Document Requests		
164)	Handwritten map of facility dated 06/02/2002		
165)	Business card of Bruce Goddard of SCI Georgia Funeral Services, Inc.		
166)	Complaint filed with Georgia State Board of Funeral Services, 1996		
167)	Correspondence to Assistant Attorney General Ellen Thompson from Lori Gold of the Georgia State Board of Funeral Services dated 10/24/1986		
168)	Industrial Equipment & Engineering Letter from Paul F. Rahill to Marsh Vault & Grave, dated January 9, 1980 (TSC 6990)		
169)	"You Are Not Alone" information sheet provided by Taylor Funeral Home to family members.		
170)	Photographs taken by Dr. John Williams, January 29, 2004, of wood chippers;		
171)	Photographs taken by Dr. John Williams, January 29,		

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Exh. No.	Description	Tendered	Admitted
	2004, of remains found on Tri State Crematory grounds;		
172)	Data regarding cremated remains examined by Dr. John Williams;		
173)	Data regarding cremated remains examined by Dr. William Bass;		
174)	Empty plastic box in which remains were returned from Tri-State Crematory		
175)	No. 5 Standard Test Sieve (4 mm) (for demonstrative purposes only)		
176)	No. 10 Standard Test Sieve (2 mm) (for demonstrative purposes only)		
177)	samples of burned bones (for demonstrative purposes only)		
178)	cremated remains from Tri-State Crematory sorted by particle size		
179)	Photographs of and materials removed from remains returned to Gretchen Edmiston		
180)	Cremated remains from facility other than Tri-State (for demonstrative purposes only)		
181)	G.B.I. evidence receipt regarding adulterated remains of loved one of class member Bryant, date of death 1996		
182)	Exhibits from the deposition of Kris Sperry taken 5/20/03		
183)	Summary Chart of adulterated remains based upon G.B.I. documents (Exhibits to Sperry's deposition)		
184)	Documents listed by other parties		